

IN THE
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT
OF ILLINOIS
EASTERN DIVISION

RECEIVED

SEP 25 2023 Jc

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

MARSHANE T. SHELBY

VS

FRANCISCAN ALLIANCE ,INC

23-cv-14067
Judge Maldonado
Magistrate Judge Fuentes
Random

FILED

9/28/2023

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

NF

TITLE VII OF THE 1964 CIVIL RIGHTS ACT

NOW COMES MARSHANE T. SHELBY in her own proper persona sui juris and moves this court as following: TITLE VII OF THE 1964 CIVIL RIGHTS ACT .

JURISDICTION

JURISDICTION IS INVESTED IN THIS COURT PURSUANT TO 28 U.S.C. Ss 1331 28 U.S.C. Ss 1334

VENUE

VENUE IS INVEST INVESTED IN THIS COURT PURSUANT TO 28 U.S.C. Ss 1391

PLAINTIFF

MS. MARSHANE T. SHELBY can be served at 2120 177th Street Apt : 3C LANSING , IL 60438

DEFENDANT

FRANCISCAN ALLIANCE , INC
1515 W. DRAGON TRL

MISHAWAKA, IN 46544

STATEMENT OF FACT

1. The plaintiff was a employee of Franciscan Alliance., Inc for 14 years .
2. The Franciscan Health in Olympia Fields stated I willfully did not take the Covid-19 Vaccine.
3. The plaintiff states she was a Hebrew Israelite and it was against her Religion to partake of the Covid -19 Vaccine .
4. At this time the plaintiff invoked her rights under the 1st amendment and submitted an exempt Religious Notice to the employer.
5. The employer denied the request without any supporting recommendations.
6. The plaintiff wasn't able to exhaust her administrative remedies and the employers denied her constitutional rights under the Illinois constitution of 1970 ; Article 1 Section 8 and the United States constitution and theU.S. Constitution Amend 14th.
7. The employer received the email from the plaintiff requesting an exemption which was denied November 2021 .
8. The plaintiff states she was denied and other employee exemptions were granted .
9. The company has over 15,000 employees at least 1,400 requests were Religious exemption) .
10. The plaintiff states she provided everything that was requested: weekly swabs testing with a negative result . (in order to work the upcoming week) .
11. The plaintiff went to her pastor and he signed his signature on the application.
12. The plaintiff was denied 30,2021 and asked the employers why they don't think it's gods will for an Israelite not to take the vaccine.
13. The employer didn't answer this and stated they were Catholic and made up conflicting statements about my faith.
14. The plaintiff states she's a Hebrew and practices the Pentecostal faith .
15. On January 27th I was suspended for two months until April 7th when I was subsequently discharged.
16. I now have a complaint with the EEOC charge number # 470-2022-01464 that began in May .
17. The plaintiff states the employer discriminated against me because I invoked my 1st amendment right as an African American and as a protected class of one .
18. The plaintiff filed for unemployment and received unemployment benefits around August 25, 2022
19. The plaintiff was denied and filed her appeal an won the appeal December 21,2022
20. The Evidence will show that the Defendants violated her Religious mandate and fired her because she invoked her first amendment.

RELIEF SOUGHT

1. Plaintiff is seeking Compensatory damages in the amount of \$1 million
2. Plaintiff is seeking punitive damages \$ 1 Million
3. Plaintiff seeking an injunction for Franciscan Alliance , Inc to change their policies to meet minimum constitutional standards.
4. Seeking counsel under Federal rules of civil procedure; Rule 11(C)
5. Any other relief this court deems just and fair .

RESPECTFULLY SUBMITTED
MARSHANE T. SHELBY

A handwritten signature in black ink, reading "Marshane T. Shelby". The signature is written in a cursive, flowing style. The first name "Marshane" is written in a slightly larger, more prominent script, followed by "T." and then "Shelby". The final letter of "Shelby" is a large, sweeping flourish that extends to the right.



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Houston District Office
1919 Smith Street, 6th Floor
Houston, TX 77002
(346) 327-7700
Website: www.eeoc.gov

DETERMINATION AND NOTICE OF RIGHTS

(This Notice replaces EEOC FORMS 161, 161-A & 161-B)

Issued On: 07/25/2023

To: Ms. Marshane T. Shelby
2120 177th Street Apt 3C
LANSING, IL 60438
Charge No: 470-2022-01464

EEOC Representative and email: CARINE JEAN-MARIE
Federal Investigator
carine.jean-marie@eeoc.gov

DETERMINATION OF CHARGE

The EEOC issues the following determination: The EEOC will not proceed further with its investigation and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

NOTICE OF YOUR RIGHT TO SUE

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice.** Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file a lawsuit based on this charge, please sign-in to the EEOC Public Portal and upload the court complaint to charge 470-2022-01464.

On behalf of the Commission,

Digitally Signed By: Rayford O. Irvin
07/25/2023

Rayford O. Irvin
District Director

Enclosure with EEOC Notice of Closure and Rights (01/22)

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

*(This information relates to filing suit in Federal or State court **under Federal law**. If you also plan to sue claiming violations of State law, please be aware that time limits may be shorter and other provisions of State law may be different than those described below.)*

IMPORTANT TIME LIMITS – 90 DAYS TO FILE A LAWSUIT

If you choose to file a lawsuit against the respondent(s) named in the charge of discrimination, you must file a complaint in court **within 90 days of the date you receive this Notice**. Receipt generally means the date when you (or your representative) opened this email or mail. You should **keep a record of the date you received this notice**. Once this 90-day period has passed, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and the record of your receiving it (email or envelope).

If your lawsuit includes a claim under the Equal Pay Act (EPA), you must file your complaint in court within 2 years (3 years for willful violations) of the date you did not receive equal pay. This time limit for filing an EPA lawsuit is separate from the 90-day filing period under Title VII, the ADA, GINA, the ADEA, or the PWFA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA, the ADEA or the PWFA, in addition to suing on the EPA claim, your lawsuit must be filed within 90 days of this Notice and within the 2- or 3-year EPA period.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Filing this Notice is not enough. For more information about filing a lawsuit, go to <https://www.eeoc.gov/employees/lawsuit.cfm>.

ATTORNEY REPRESENTATION

For information about locating an attorney to represent you, go to:
<https://www.eeoc.gov/employees/lawsuit.cfm>.

In very limited circumstances, a U.S. District Court may appoint an attorney to represent individuals who demonstrate that they are financially unable to afford an attorney.

HOW TO REQUEST YOUR CHARGE FILE AND 90-DAY TIME LIMIT FOR REQUESTS

There are two ways to request a charge file: 1) a FOIA Request or 2) a Section 83 request. You may request your charge file under either or both procedures. EEOC can generally respond to Section 83 requests more promptly than FOIA requests.

Since a lawsuit must be filed within 90 days of this notice, please submit your request for the charge file promptly to allow sufficient time for EEOC to respond and for your review. Submit a signed written request stating it is a "FOIA Request" or a "Section 83 Request" for Charge Number 470-2022-01464 to the District Director at Rayford O. Irvin, 1919 Smith Street 6th Floor

Houston, TX 77002.

You can also make a FOIA request online at <https://eeoc.arkcase.com/foia/portal/login>.

Cc:

Mary Jo Smith
Franciscan Alliance, Inc.
1515 W DRAGOON TRL
Mishawaka, IN 46544

Robin North
Franciscan Alliance, Inc.
1493 Conner Street
Noblesville, IN 46060

Carly Brandenburg
Eichhorn & Eichhorn, LLP
2929 CARLSON DR STE 100
Hammond, IN 46323

Please retain this notice for your records.

Enclosure with EEOC Notice of Closure and Rights (01/22)

You may request the charge file up to 90 days after receiving this Notice of Right to Sue. After the 90 days have passed, you may request the charge file only if you have filed a lawsuit in court and provide a copy of the court complaint to EEOC.

For more information on submitting FOIA Requests and Section 83 Requests, go to:
<https://www.eeoc.gov/eeoc/foia/index.cfm>.

State of Illinois
 Department of Employment Security
www.ides.illinois.gov
 Fax completed form to: 217-557-4913



**Request for Reconsideration of Claims Adjudicator's Determination
 and, if applicable, Appeal to the Referee**

Claimant Information:

Last Name: Shelby First Name: Marshane MI: T

Claimant ID or Last 4 digits of SSN: 9214210

(Este es un documento importante. Si usted necesita un intérprete, póngase en contacto con su oficina local.)

The reconsideration process is governed by section 703 of the Illinois Unemployment Insurance Act and 56 Ill. Adm. Code 2720.160 Reconsidered Finding or Determination. If your Request for Reconsideration becomes an Appeal as a result of the reconsideration process, your case will be forwarded to the appeals unit.

If you need additional space, please use the other side of this document, if appropriate, or attach a separate sheet of paper.

Appellant: (Check One) ☒ Claimant ☐ Employer (Employer, please provide Company Name and Account #)

Name: _____ Account #: _____

Section A: Reason for Request for Reconsideration

I disagree with the claims adjudicator's determination dated 08/31/2022, regarding 002 602A - Misconduct
 because: (Give all your reasons and facts)

Franciscan Health Olympia Fields is stating I willfully did not take the Covid-19 vaccine. What they are not stating is the fact I requested a religious exemption from taking the vaccine when the opportunity arose to do so. The original date of the email stating you can request a religious exemption was dated in November 2021. I was denied; however, other employees' religious exemptions were granted and I do not fully understand why mine was denied. This company has over 15,000, (at least 1,400 requested religious exemption) employees throughout Indiana and one hospital location in Illinois, only a handful were given the exemption, including one or two people who did not even use religion as their basis, however it was a letter stating information gathered about the vaccine. I provided everything that was requested: weekly swab testing with a negative result (in order to work the upcoming week), a letter from my church with my pastor's signature, then after being denied December 30, 2021, I was asked to defend or defend why taking the vaccine would be contrary to God, to which I did. My soul salvation is not, and will not be determined by a committee, only God our Father will be judging each and everyone of us at the appointed time. How can they determine if I am saved if they believe in Catholic faith and I believe in the Pentecostal Faith, the Word of God. I asked was there a member of every faith represented on the committee or if they have a Theologian on the committee as well? No answer or reply. After being denied again, I then submitted the IL state statute on January 20, 2022 that states we can obtain religious exemptions. January 27th I was suspended for two months until April 7th when I was subsequently discharged. I now have a case with the EEOC charge number #470-2022-01464, that began in May. I am waiting for the response from my investigator, as they stated I did have the right to file a charge against Franciscan for religious discrimination. Franciscan recently sent me a general email stating we want you back; it also stated I could speak directly to an HR recruitment team member. I have proceeded with steps of calling the Help-desk where all calls are routed and currently waiting for someone to call me back prior to applying. I am trying to understand their reasoning, as the Covid-19 vaccine is mandatory, I will not and have not received the vaccine. Are they willing to accept my religious exemption now, five months after discharging me? I was an employee in good standing prior to being discharged. I

* Note to claimant: You must continue to certify for benefits by Tele-Serve or Online for each two week period that you are unemployed during the appeal process.

Section B: Signature

Signature: _____

Date: 09/04/2022

Name (Printed or Typed): Marshane T. Shelby

Telephone Number: 708-362-0313

Backdate Questionnaire

To Whom It May Concern

I am requesting to have my unemployment benefits back dated to my last day worked, Thursday, January 27, 2022. I was suspended from work due to being non-compliant for not taking the mandatory Covid-19 vaccine. In late October early November, it was announced that we could submit for a for a religious exemption for the vaccine. I applied and subsequently denied the exemption. I was suspended from that time until April 7th, 2022, when I was discharged for reasons previously stated.

Prior to working almost fifteen years for the same organization, I previously work for Provident of South Holland, formally dba as Rest Heaven at the same building address of 16300 Wausau, South Holland, IL 60473, for a period of five years, before leaving to join St. Margaret Hammond, now dba: Franciscan Health. With working various job at restaurants and such, meaning I've working continually for at the last thirty years or better.

I did not know I could receive unemployment benefits while suspended. While suspended, late February, early March I did get worried about the preceding outcome and began to look for a job. Putting applications at a few restaurants, as a server, knowing it would equal cash every day. It's how I raised four adult children. Once being discharged April 7th, 2022, a family crisis arose with my maternal grandfather age 89, I began going back and forth ^{to} the ~~the~~ Tunica, MS caring for him. I began to seek out alternative ways to work remotely applying with several places without success. My family issue resolved late July. I continue to seek remote jobs; as the reason being fired is non-compliant of Covid-19 vaccine. Most jobs now required as such, many more do not accept the religious exemption request.

I did look for jobs Walgreens, applied July 20th, 2022 saying "thank you, however, good luck in your continued search. Please consider back dating my application. I realize there was an issue with my identity; however, I pray this detailed information can some prove I am who I saw I am. God made me who I am.

Sincerely

Marshane Tenise Shelby

Claimant ID 9214210

Marshane Shelby 9-5-2022